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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,155	02/11/2004	Hisaya Miyashita	248728US6	1195

22850 7590 03/22/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/22/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/775,155

Applicant(s)

MIYASHITA ET AL.

Examiner

RICARDO L. OSORIO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No.

10/772,262. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the two applications is that in claim 3 of 10/775,155 the pointer is moved in a require direction and in 10/772,262, claim 1, the pointer is moved in a desired direction. This is not significant because these are obvious and well known in the art alternative ways of moving the pointer where the user would move the pointer as desired or as required by the configuration of the pointer, or by a user interface program.

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Also, claim 3 of 10/772,262 teaches of a hinge unit including both a hinge barrel and a hinge pin disposed in the hinge barrel. However, 10/775,155, in claim 1 teaches a hinge having a hinge pin, but no hinge barrel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the hinge pin disposed in the hinge barrel, as taught by 10/772,262, in the device of 10/775,155 because it is well known in the art of pins that the hinge pin is disposed in a hinge barrel for supporting the hinge pin in place.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6,977,811).

Regarding claim 1, Fleck discloses an information processing apparatus (see Fig. 1, ch. 100) comprising: a display unit equipped with a display (see Fig. 1, ch. 104); a main unit equipped with a keyboard having a plurality of operation keys (Fig. 3, ch. 110); and a support unit that supports the display unit on the main unit so that the display unit pivots on a hinge to open and close the keyboard (see Fig. 1 to see two hinges); wherein a first function button and a second function button that control an object chosen by a pointer appearing on the display (Fig. 3, characters 302 and 304, and col. 5, lines 6-9, and col. 6, lines 54-63), and a third function button for display cursor positioning, selecting and clicking on items (Fig. 3, ch. 306, and col. 4, lines 26-63) are provided near one end in the axial direction of the hinge pin between the display unit and the keyboard (see Fig. 3, location of characters 300, 306, and 308).

Fleck does not specifically teach of the hinge having a hinge pin.

However, hinges used for laptop computers are generally known to have hinge pins, which is an essential part of the common hinge, for which examiner takes official notice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have hinge pins in the hinges of Fleck because hinge pins are well known in the art of portable or laptop computers, as well as a broad range of other applications, to be used in hinges for multiple uses, including laptops, to open and close the computer structure.

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As to claim 2, In Fig. 3, Fleck teaches of function buttons (306 and 308) arranged around the circumference of third function button (300).

Regarding claim 5, see rejection of claims 1 and 2, above, and the only difference is that third function button of claim 1 is not the first function button, and first and second function buttons of claim 1 are now second and third function buttons.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6,977,811) in view of Hitoshi (08-076916).

Regarding claims 3 and 4, Fleck does not teach of a pointing device for moving the pointer appearing on the display in a required direction and a plurality of cursor keys for moving a cursor appearing on the display in predetermined directions, both being disposed at the other end of the hinge pin between the display and the keyboard.

Hitoshi teaches of a pointing device for moving the pointer appearing on the display in a required direction and a plurality of cursor keys for moving a cursor appearing on the display in predetermined directions, both being disposed at the other end of the hinge pin between the display and the keyboard (see Fig. 7, characters 5 and 6. Note location is on the other end of the hinge).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the pointing device and the cursor keys, as taught by Hitoshi, in the device of Fleck because extremely efficient positioning can be executed by the combination of the pointer and the buttons (see CONSTITUTION, lines 6-9).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

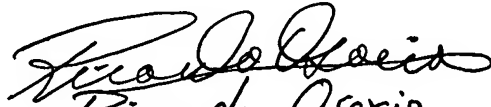
Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ricardo Osorio
PRIMARY EXAMINER
Technology Division: 2629

RLO
March 13, 2007